

FAQs on Low THC-cannabis

August 11, 2014

Compassionate Medical Cannabis Act of 2014 (Chapter 381.986, Florida Statutes)

Definitions:

- **Dispensing organization:** An organization approved by the Florida Department of Health to cultivate, process, and dispense low-THC cannabis pursuant to section 456.60 F.S.
- **Low-THC cannabis:** A plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of any tetrahydrocannabinol and more than 10 percent cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.
- **Medical use:** Administration of the ordered amount of low-THC cannabis. The term does not include the possession, use or administration by smoking. The term also does not include the transfer of low-THC cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.
- **Qualified patient:** A Florida resident of who has been added to the compassionate use registry by a physician licensed under Chapter 458 or Chapter 459 to receive low-THC cannabis from a dispensing organization.
- **Smoking:** Burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

FAQs

1. When will the legislation become law?

- a. Governor Scott signed the Compassionate Medical Cannabis Act of 2014 (Chapter 381.986, Florida Statutes) into law on June 16, 2014.

2. Does that mean doctors can start ordering low THC-cannabis for patients?

- a. The Compassionate Medical Cannabis Act of 2014 authorizes the ordering of low-THC cannabis by doctors licensed under Chapter 458 and Chapter 459 of Florida Statutes for their qualified patients beginning on January 1, 2015.

3. Is this the same law proposed on the November ballot?

- a. The Compassionate Medical Cannabis Act of 2014 (Chapter 381.986, Florida Statutes) is unrelated to the constitutional amendment being placed on the November ballot. The ballot will contain Amendment 2 to Article X of the Florida Constitution, which would add Section 29 to Article X.

4. Can any doctor in Florida prescribe low THC-cannabis?

- a. The Compassionate Medical Cannabis Act of 2014 states that low-THC cannabis can only be ordered by physicians licensed under Chapter 458 or Chapter 459 of Florida Statutes. Chapter 458 covers medical

practice or allopathic physicians and Chapter 459 covers osteopathic physicians. The law further states that before ordering low-THC cannabis for use by a patient, the ordering physician must successfully complete an 8-hour course approved by either the Florida Medical Association or the Florida Osteopathic Medical Association. The course will encompass the clinical indications for the appropriate use of low-THC cannabis, the appropriate delivery mechanisms, the contraindications for such use, as well as the relevant state and federal laws governing the ordering, dispensing, and possessing of this substance, and the physician must successfully pass an examination upon completion of the course.

5. What are the requirements for obtaining low THC-cannabis?

- a. The Compassionate Medical Cannabis Act of 2014 states that in order to be qualified to obtain low-THC cannabis:
 - i. The patient must be a permanent Florida resident.
 - ii. If a patient is under the age of 18, a second physician must agree with the determination of need for the patient.
 - iii. The patient must suffer from cancer or a physical medical condition that chronically produces symptoms of seizures, or severe and persistent muscle spasms; or symptoms of the same.
 - iv. Other treatments must have been tried without success.
 - v. The ordering physician must determine the risks of using low-THC cannabis are reasonable in light of the benefit to the patient.
 - vi. The ordering physician must register the patient in the Compassionate Use Registry.
 - vii. The ordering physician must maintain a patient treatment plan which outlines the dose, route of administration, planned duration, monitoring of the patient's illness, and tolerance of the low-THC cannabis, and submit the plan to the University of Florida, College of Pharmacy on a quarterly basis for research purposes.

6. What about those people who are here only part of the year?

- a. The Compassionate Medical Cannabis Act of 2014 states a patient must be a permanent Florida resident.

7. What are the requirements to grow and dispense low THC-cannabis in Florida?

- a. The Compassionate Medical Cannabis Act of 2014 allows the Florida Department of Health to designate five dispensing organizations in Florida.
- b. These dispensing organizations will be located in specified geographic regions throughout the state: one each in northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida.
- c. The Florida Department of Health will develop an application form and determine the fees necessary, both initially and at biennial renewal, to cover the costs of administering The Compassionate Medical Cannabis Act of 2014.
- d. Dispensing organizations must meet stringent requirements:

- i. Must have been in operation as a registered nursery in this state for at least 30 continuous years.
- ii. Must have the ability to provide appropriate infrastructure and personnel, and maintain accountability for all raw materials, finished product and byproducts, in order to prevent unlawful access to these substances.
- iii. Must have a valid certificate of registration from the Florida Department of Agriculture that allows cultivation of more than 400,000 plants.
- iv. Must meet specific financial requirements.
- v. All owners and managers must be fingerprinted and pass a level 2 background check.
- vi. Must employ a medical director licensed under Chapter 458 or 459, Florida Statutes, to supervise dispensing activities.

8. What are the financial requirements for a distributor?

- a. Dispensing organizations must have the financial ability to maintain operations for the duration of the two-year approval cycle.
- b. Dispensing organizations must provide certified financials to the Department.
- c. Upon approval, dispensing organizations must post a \$5 million performance bond.

9. Can patients grow their own low THC-cannabis?

- a. No.

10. What are the regulations for planting low THC-cannabis?

- a. Only licensed dispensaries will be allowed to plant and grow low-THC cannabis in Florida.

11. Where can I get an application to be a dispensary?

- a. The application will be developed during the rule-making process. Rule-making workshop notices will be posted on the Department website, and the public is welcome to attend these workshops.

12. What medical conditions are approved for use of low THC-cannabis under The Compassionate Medical Cannabis Act of 2014?

- a. The Compassionate Medical Cannabis Act of 2014 allows the use of low-THC cannabis, when ordered by a physician licensed under Chapter 458 or Chapter 459 of F.S., for patients suffering from cancer or a physical medical condition that chronically produces symptoms of seizures, or severe and persistent muscle spasms, or to alleviate symptoms of such, if no other satisfactory alternative treatment options exist for the patient and other specific requirements have been met.